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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,037	03/08/2000	Pawan R. Gupta	MOF-11	1918

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EXAMINER

MARTIR, LILYBETT

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/521,037

Applicant(s)

GUPTA, PAWAN R.

Examiner

Lilybett Martir

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,12-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,12-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10, 12-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proceq SA-Wire tension meter in view of Grade et al. (Pat. 4,423,639). Proceq SA teaches the claimed invention, including:

- A frame having a pair of ends, adapted to engage a said stressed cable , a jack mounted on said frame between it's ends for applying a force on the stressed cable, and measuring means on said frame, for measuring the deflection of the stressed cable (See Figure SM150 on page 4), as in claim 1.
- A hook, said hook connected to said jack and adapted for engagement with said stressed cable as in claim 2.
- The force of said jack, is applied to the stressed cable through the hook means as noted in the Figures of Page 1, as in claim 3
- A jack that applies a pre-set force to the stressed cable (Page 3, second paragraph), as in claims 5, 12 and 16.
- The frame shaped in a "V" shape, as noted in Figure SM150 in page 4, as in claims 7, 14 and 18.

- Claims 8-10 disclose a method for detecting the amount of tension in a stressed cable using the claimed apparatus that is inherently disclosed in the provided references.

But he does not disclose:

- A jack that is a hydraulic jack, as in claim 1.
- Measuring means that include a gauge mounted onto said frame, as in claims 6, 13 and 17.

Grade et al. teaches an apparatus for indicating the tension in a line that has a hydraulic supporting structure composed by elements 12 and 39 that has a pressure gauge as in element 22 mounted onto it's frame.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the wire tension meter of Proceq SA by using the teachings of Grade et al. providing said wire tension meter with a hydraulic supporting structure and a pressure gauge for the purpose of furnishing means for controlling the force to be applied to the wire who's tension is going to be measured and means for measuring the force applied to the wire in order to determine it's tension.

#### ***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art considered pertinent during examination of the examined application is:

- Burbank Jr. (Pat. 4,534,228) Wireline tension gage.

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- Nowag (Pat. 5,251,492) Apparatus and method for measuring a tension force in a rope or cable.
- Hollander (Pat. 4,077,256) Stringed racket face tension measuring device.
- Lipton (Pat. 3,618,379) Tensiometer.
- Kimmell et al. (Pat. 3,176,510) Wire line strain gage.

***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 5-10,12-14 and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (703)305-6900. The examiner can normally be reached on 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703)308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LM

Lilybett Martir  
Examiner  
Art Unit 2855

RCM

November 19, 2001

Fuller

Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2000